

REMARKS

Reconsideration and allowance of the above-identified Application in view of the above amendments and the following remarks are respectfully requested.

Claims 1-6 are pending in the Application.

The Examiner noted typographical errors in the specification. Applicants thank the Examiner for pointing out these typographical errors and have corrected them in the amendments to the specification.

The Examiner rejected claims 1-6 under 35 U.S.C. § 103(a) as being unpatentable based on the background of the invention in view of Huang et al. (U.S. Patent No. 6,001,540). Applicants respectfully traverse for at least the following reasons.

The method of claim 1 recites “covering the microlens with a protection layer...and removing the protection layer of the microlens.” The Background section of the instant Application describes an oxide layer 115, and as noted by the Examiner, the Background of the Invention of the current Application does not describe removing the oxide layer 115. The Examiner argues that the disclosure of Huang et al. can be combined with the Background of the current invention to render claims 1-6 obvious based on prior art. In particular, the Examiner is interpreting the silicon nitride layer 9 and silicon nitride mask 19 as providing motivation for one to remove the oxide layer 115. Applicants respectfully disagree.

Irrespective of whether the oxide layer 115 can be interpreted as a prior art disclosure of a protection layer, as recited in claim 1, the Huang et al. reference provides no suggestion or motivation to be combined with that aspect of the Background description, nor would Huang et al. lead to the recited removing of the protection layer. The silicon nitride layer 9 is not disposed to cover a microlens with a protective layer. The silicon nitride layer 9 is provided as a first step in providing a mask for later processing. This is clear from column 3, lines 19-38 of Huang et al. The silicon nitride 9 is patterned and etched to form a circular opening 5 to form the silicon nitride mask which Huang et al. then designates as reference numeral 19. The silicon nitride mask 19 provides a circular opening 5 for the next step in the process which is to oxidize polysilicon 8 through the circular opening 5. This says nothing about removing a protection layer that covers a microlens. One of ordinary skill in the art would not view the process of constructing a silicon nitride mask to be used in an

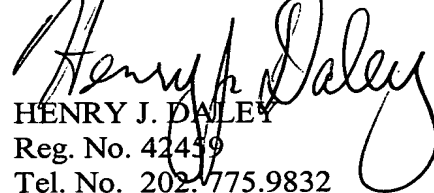
oxidation process as a suggestion to remove a protection layer covering a microlens, as recited in claim 1. The silicon nitride mask 19 covers regions around where the oxide body 31 is formed. Even when the silicon nitride mask 19 overlaps an edge of the oxide body 31, it does not even cover the oxide body 31. Therefore, Applicants respectfully submit that claims 1-6 are in condition for allowance and request that the rejection under 35 U.S.C. § 103(b) be withdrawn.

Applicants have addressed all of the Examiner's objections and rejections and respectfully submit that the Application is now in condition for allowance.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP LLP



HENRY J. DALEY

Reg. No. 42449

Tel. No. 202.775.9832

Fax No. 703 905-2500

Date: February 7, 2005
P.O. Box 10500
McLean, VA 22102
(703) 905-2000